

# USERS GUIDE TO THE LAND USE PERMIT PROCESS

San Luis Obispo County Department of Planning and Building

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## INTRODUCTION

This is your guide to land use permits. It is designed to help answer your questions about the process, including:

- U      Where do I begin, if I need to obtain a land use permit approval?
- U      What information must I provide to be sure my application is complete?
- U      How much will the process cost?
- U      After I submit my application, what will happen before my permit can be approved or denied?
- U      What considerations are reviewed before a decision is made to approve or deny a land use permit?
- U      How long will the process take?

## WHAT IS A LAND USE PERMIT?

There are certain uses of land or types of businesses that may have an impact on their community. These uses are carefully reviewed through the land use permit process. Land Use Permits authorize a use and set conditions for its establishment and operation, and are required in addition to Construction Permits.

There are four types of land use permits: "Plot Plan," "Site Plan," "Minor Use Permit," and "Conditional Use Permit or Development Plan." Other types of approvals that are associated with land use include: "Variances," "Waivers," and "Adjustments."

Plot Plan approval, required for simple development projects, is given by the Planning Director through the planning department staff.

**Site Plan approval**, required to review more project details, such as landscaping or signage, is given by the Planning Director through the department staff.

**Minor Use Permit approval**, required for projects that may have the potential to cause neighborhood concerns, is given by the Hearing Officer (the Planning Director or a designee).

**Conditional Use Permit / Development Plan approval**, required for larger projects or other land uses that may have the potential to affect the neighborhood or community, is granted by the Planning Commission. A Conditional Use Permit is required in the Inland portions of the county, a Development Plan is required in the Coastal portions of the county.

**A Variance** is requested by an applicant who wants relief from specific standards. A variance can not grant approval for uses otherwise not allowed, or reduce the minimum parcel size to less than allowed. There are very specific findings that must be made before a variance can be approved.

**Waivers and Adjustments** are used to waive or modify ordinance standards. The process is not as complex as a variance, however, only adjustments and waivers that are set forth in the ordinance can be requested.

## **POINTS TO CONSIDER**

There are a number of issues you should consider when designing your project and preparing your application, including:

- ◆ What is the current zoning and does it allow my proposed project?
- ◆ Are there specific standards from the Land Use Ordinance and/or Area Plan document that apply to my property?
- ◆ What are the permit fees?
- ◆ What different kinds of permits may be required?
- ◆ Will the project raise environmental concerns?
- ◆ Is the site near any hazards? (creeks, rivers, airports, earthquake faults)
- ◆ What is the availability of utilities? (water, sewer, etc)
- ◆ Are the roads adequate?
- ◆ Are the fire safety provisions adequate?

## **LAND DEVELOPMENT IN THE COUNTY**

Land use regulations are important to any person considering land development because the regulations determine:

- ◆ Where particular uses are allowed; and
- ◆ What requirements and permit procedures must be completed before a particular use is allowed.

Most regulations for the use and development of land are found in four documents: (1) the Land Use Element of the general plan; (2) the Land Use Ordinance (the zoning ordinance); (3) the Real Property Division Ordinance; and (4) the Building and Construction Ordinance. All the elements of the adopted general plan are also used in project review.

Because a portion of this county is within the coastal zone, which is a specific area designated by the 1976 California Coastal Act, the county has two Land Use Elements of the general plan and two Land Use Ordinances. The Land Use Element/Local Coastal Plan and the Coastal Zone Land Use Ordinance apply to the portions of the county within the coastal zone. The Land Use Element and the Land Use Ordinance apply to areas outside of the coastal zone - the inland portions of the county.

## **WHERE DO I BEGIN?**

In an initial meeting with an information planner, you will be given an overview of the process and a checklist of the information and materials you will need to provide for a complete land use permit application. In certain cases, you may want to schedule a pre-application appointment in place of, or after, your initial meeting. A pre-application meeting is an opportunity to meet with a project planner and an environmental specialist to have an in-depth discussion about your project. At this meeting, additional submittal requirements (such as special reports or studies) and concerns and/or design considerations for the project will be discussed. The fee for this meeting will be credited toward your application submittal fees.

Both of these types of meetings can be scheduled by calling 781-5600.

## **WHAT INFORMATION MUST I PROVIDE AND HOW MUCH WILL THE PROCESS COST?**

An application for a land use permit must include the following information:

**A. Application.** A standardized application which provides general information about the applicant, the property owner, the property and the project. On the back of this application is the "Consent of Landowner" form authorizing an agent to act for the landowner.

**B. Information Specified on Checklist.** A checklist is provided with your application package. At your initial and/or pre-application meeting, staff will tell you which of the reports, maps, plans, and drawings you need to provide from the checklist. If you have any questions about the specific information you need to include with your application, staff can assist you either in person or by telephone.

**C. Environmental Description Form.** This form provides pertinent information about the physical characteristics of the site. The information will be used to complete the environmental review of the requested project, as required by the California Environmental Quality Act (CEQA).

**D. Filing Fees.** The filing fees for land use permits are set by the county fee ordinance each year. Fees vary depending on the complexity of the permit. For more information about the application fee, contact department staff at (805) 781-5600.

## **WHAT HAPPENS NEXT?**

Once you have your completed application and materials ready for submittal, the following steps are completed.

**A. Application Submittal.** You will meet with a permit center planner who will check your application to make sure the form is filled out correctly and determine if you have the correct number of plans, maps, etc.

The permit center planner will answer questions you may have regarding your application, but will not be the planner processing your application. More specific questions about your project should be directed to your project planner, who will be assigned within the first four weeks following your submittal.

**B. First 30 days.** The initial 30 days after you submit your application and pay your application fees is for staff to prepare a file, send out referrals to interested agencies (i.e., Public Works, Environmental Health) and conduct a site visit. At the end of 30 days, the project manager will send a letter informing you (or the agent, if one is named on the application) that the project is accepted as complete for processing, or that there is additional information required before it can be processed (also known as the "information hold letter").

Submitting complete information with your initial application will speed this review process.

**C. Information Hold.** If you receive an information hold letter, the items listed in that letter need to be submitted to your project manager before your project can move forward for processing. When all information is received, the project is "accepted for processing"

It should be noted, that if your project is accepted for processing, it is not approved. The proposal must still undergo environmental review, a detailed staff analysis, and public hearings. If problems are identified, the project may be denied, or may be changed as part of its approval.

**D. Environmental Review.** Once your project is accepted for processing, an environmental determination must be completed in accordance with the California Environmental Quality Act (CEQA). CEQA requires the county to determine if significant environmental impacts could result from the proposed project.

There are four determinations that may be made on your project:

*Exempt* - This means that there are no impacts associated with a project based on its size and scope (as defined by CEQA)

*Negative Declaration (ND)* - This means that the proposed project would produce no significant environmental impacts but does not fall into one of the defined exemptions.

*Mitigated ND* - This means that the proposed project would produce no significant environmental impacts if certain conditions (mitigations) are met. These conditions need to be agreed upon by you and staff in order for the project to move forward for approval. If an agreement cannot be reached, the project cannot be approved and may be placed on an agenda recommended for denial.

*Environmental Impact Report (EIR)* - This means the project has the potential to produce significant environmental impacts. It thoroughly analyzes those potential environmental impacts and recommends specific mitigation measures designed to address each impact. When an EIR is recommended by staff, an applicant may request that the Board of Supervisors decide whether or not to require an EIR.

The environmental determination process can be lengthy based on the complexity of the issues and the number of applications currently in process.

**E. Hearing** Once an environmental determination has been completed, the project can be scheduled for a public hearing. Most land use permits require a public hearing before a decision is made, however, Plot Plans and Site Plans do not require a public hearing and are approved at the staff level.

When a project is scheduled for hearing, there are certain noticing deadlines that are required depending on the type of environmental determination for the project (up to 30 days prior to the hearing date in some cases). All property owners within 300 feet will be receive notice of the hearing date and a project description (all residents within 100 feet will also be noticed within Coastal areas).

Once the project is scheduled for a specific hearing date, the project planner will prepare the staff report based on their research, referral responses received from other agencies and, in some cases, meetings with interested parties.

A final staff report will be mailed the applicant or agent at least 7 days prior to the hearing date. Contact your project planner if you do not receive this report. It will tell you staff's recommendation as well as what conditions of approval will be required to be completed before the building permit can be issued or completed, the use established, etc. These conditions cannot be changed once the Review Authority takes an action without going back to for a noticed public hearing before the original decision maker or going to the Board of Supervisors through an appeal.

Your project manager can answer any questions you might have about the recommendation or conditions of approval. At the hearing, you will be given the opportunity to address the Review Authority if you choose. You should be prepared to answer questions about the proposal.

Your hearing date will depend on when your project's environmental review was completed, the necessary noticing deadlines, and the other applications that are ready for their hearing. There are a limited number of hearing dates and a limited number of items can be heard on each date.

**F. Approval / Denial** If your project gets denied or approved with conditions that are not agreeable to you, the decision can be appealed to the Board of Supervisors within 14 days of the decision.

If your project gets approved, make sure that you understand the conditions of approval that were placed on the project. Any conditions that need to be met prior to issuance of a building permit need to be completed before staff can issue a building permit.

See Condition Compliance handout for further discussion on complying with conditions of approval.

**G. Projects Within the Coastal Zone** California state law allows for approved projects located within the Coastal Zone to be appealed to or by the California Coastal Commission. A hearing before the Coastal Commission is scheduled by its staff. This hearing will likely be held in a location outside of the county. The Coastal Commission's determination on whether to hear the appeal, and any decision they render, is final.

## **WHAT IS CONSIDERED IN APPROVING OR DENYING A PROPOSED PROJECT?**

In requesting approval of a land use permit, applicants should keep in mind that the project will be carefully reviewed to determine how the proposal relates to the specific site, and how it may affect its neighborhood and the community. To put it another way, the decision-makers want to be sure that the development fits with the surrounding area and supports adopted community goals. The following concerns are likely to be considered before any decision is made on a project.

**A. General Plan Consistency** A proposed project must be found to be consistent with all the goals, objectives, policies and standards that are set forth in the adopted general plan.

**B. Area Plan & Land Use Ordinance Standards** The foremost considerations are whether the project is an allowed use and whether it meets the standards set forth in the applicable Planning Area Standards and/or the Land Use Ordinance. It must maintain the health and safety of the community and be compatible with the existing uses in the area. The site must also be able to accommodate the proposed use.

**C. Relationship to Community Goals** A proposed project that furthers community planning goals is more likely to be approved than one that hinders them. Most communities have goals that encourage certain land uses or densities within the community. Projects should have the community's support and further those goals, such as avoiding "leapfrog" growth and achieving the community's desired mixture and type of land uses.

**D. Relationship to Surrounding Land Uses** New uses on a site are evaluated to determine whether they are consistent with existing uses on surrounding properties.

**E. Environmental Impacts** Proposed projects are evaluated to determine whether they would adversely affect the environment. Proposed projects should be designed to avoid or minimize environmental impacts.

**F. Land Capability and Service Availability** Whether the land can support the types of development proposed will be evaluated. Topography, sensitive environmental resources, service availability, and access will all be considered.

#### **HOW LONG WILL THE PROCESS TAKE?**

Processing times vary depending upon the site, and the complexity and environmental impacts associated with the project. In most cases, a land use permit that requires a public hearing takes nine to twelve months to process.

You can help expedite the review process by making sure your application is complete, your proposal is clearly stated, all required information is provided and environmental impacts are avoided.

For more information about the process or to make an appointment for either an initial meeting or a pre-application meeting, call (805) 781-5600.

This guide is designed to provide general information only. It is not a county ordinance or policy and has no legal effect. The general plan and other chapters of the San Luis Obispo County Code are the official regulations of the county. Those documents, rather than this guide, are the only legal basis for assessing how county regulations affect property development.